

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12725, of Frank R. Gailor, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a Special exception under Sub-section 7104.2 to change a non-conforming use from a moving and storage warehouse to a squash court facility and for a variance from the requirements of Sub-section 7107.1 allowing enlargement of a non-conforming structure with a non-conforming use in the R-4 District at the premises 214-216 D Street, S.E. (Square 763, Lot 3) and for a special exception under Sub-section 7104.2 to change a non-conforming use from a moving and storage warehouse to a parking garage (part of ground floor only) for ten automobiles for the exclusive use of patrons of the proposed adjacent squash facility in the R-4 District at the premises at 218-220 D Street, S.E. (Square 763, Lot 2).

HEARING DATE: November 1, 1978

DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. Case No. 12725 was originally advertised under Sub-sections 8207.2, 7104.2, and 7107.1. The applicant amended the application to include parking facilities under Sub-section 7104.2. The application was readvertised and scheduled for hearing on November 1, 1978.

2. The subject site is located on the north side of D Street, S.E., between Second and Third Streets, S.E., in the R-4 District, and is known as 214-220 D Street, S.E.

3. The subject property consists of two sites. The **squash site** is 214-216 D Street, S.E. and consists of approximately 6,552 square feet. The parking site is known as 218-220 D Street and consists of 4,500 square feet.

4. The subject sites are improved with two story brick buildings, which are currently being used as a warehouse for a moving and storage company.

5. To the north behind the site is the rear of a five story apartment building and the rear yards of adjoining row houses. To the west separated by a fifteen foot alley is a Pepco sub-station. To the **east** at the intersection of 3rd and D Streets, S.E., is the American Legion and to the south is Folger Park.

6. The applicant proposes to convert the premises at 214-216 D Street to the Capital Hill Squash Club. The operation will be comprised of ten squash courts, a lounge and reception area, a pro shop, an office, a child care facility, an exercise room, locker rooms, shower rooms and five off-street parking spaces. In addition, ~~ten~~ spaces would be provided at 218-220 D Street.

7. The applicant proposes to restore the exterior of the two buildings on the subject property so as to enhance their appearance and to make them compatible with other structures located in the Capitol Hill Historic District. Under such plans, the facade of the building will be cleaned and painted, broken brickwork will be repaired, new windows will be installed, and the sidewalk in front of both buildings will be repaired and landscaped. The only major exterior change proposed in either building would be the replacement of the roof of the squash club at a new height which will accommodate two interior squash court floors.

8. The proposed hours of operation for the squash club are from approximately 7:00 a.m. to 11:00 p.m. on weekdays and from 9:00 a.m. to 10: p.m. on weekends.

9. There would generally be no more than thirty-five to forty-five persons, including staff, who would occupy the squash club at any one time. During "off-peak" hours, an average of between ten to twenty persons would be on the premises at any one time. Peak hours are anticipated to be from 7:30 to 8:30 a.m., from twelve noon to 2:00 p.m. and from 5:00 p.m. to 8:00 p.m.

10. The staff of the squash club would consist of two full time persons, an office manager and a receptionist, and two part time employees, a squash pro and a maintenance person.

11. The Zoning Regulations do not require that the proposed use provide any parking spaces, but the applicant proposes fifteen structured parking spaces, five of which would be located in the squash club building (squash site) and ten of which would be located on the ground floor of the adjacent building (parking site).

12. The applicant's traffic and transportation consultant testified that seventy on-street parking spaces with vehicle turnover during the day were found in his surveys to be located within a two-to-three minute walk of the site, that 160 on-street spaces would become available in the same area if the permit parking program is better enforced and that the total number of cars parked after 6:00 p.m. during weekdays was one-third less than during peak daytime hours. The Board so finds.

13. The applicant and applicant's transportation consultant testified that fifteen parking spaces would be more than sufficient to meet the club's needs, that the location of the Metro Station within a block and a half of the subject site will encourage the use of public transportation to and from the site, that a significant percentage of the club's likely patrons live or work within walking distance of the site, and that the street capacity at intersections near the site is more than adequate to handle any additional trip generation which the proposed use might generate. The Board so finds.

14. The Zoning Regulations permit a Class II non-conforming use to be changed if the proposed use is either a neighborhood facility or, if not a neighborhood facility, is a use which will not be objectionable and adversely affect the present character or future development of the neighborhood.

15. The proposed use of both buildings on the subject property will be more in conformity with the Zoning Regulations than the present use, since both a commercial squash club and a parking garage are more restrictive uses, as defined by the Zoning Regulations, than the current moving and storage warehouse. A warehouse is first permitted in a C-M District, while a squash club is permitted in a C-2 District and a parking garage is first permitted in a C-1 District.

16. The change of the non-conforming use from a moving and storage warehouse will reduce some of the negative effects of the present use by eliminating the large trailer trucks which currently serve the moving and storage warehouse and by reducing the volume of small truck traffic to and from the remaining warehouse use.

17. The variance sought by the applicant to enlarge a non-conforming structure with a non-conforming use is to permit the replacement of the roof at a new height which will accommodate two interior squash court floors and for related structural alterations.

18. Applicant and his architect testified that such alterations were necessary to convert the building from its present use to the proposed use, that the building is not suitable for residential use (either structurally or economically), that the new roof height would be below that otherwise permitted in the R-4 District and that the improved property, with the building occupying 100 per cent of the squash site, constitutes a practical difficulty to the owner.

19. The character of the proposed use would be compatible with the uses in the immediate area and would provide significant neighborhood and community benefits through the provision of a recreational facility which is easily accessible to those living and working in the area. Such a recreational use is desirable because of the very limited number of indoor or outdoor recreational facilities in the immediate neighborhood and in the Capitol Hill area. In addition, the elimination of the existing moving and storage warehouse on the squash site (together with the change in the nature of the continuing, community-oriented storage facility in the adjacent building) would benefit the area by removing a use which is not in character with surrounding and nearby properties.

20. The Municipal Planning Office, by report dated October 19, 1978, withdrew its previous recommendation of denial and recommended that the application be approved. The Planning Office recommended such approval on the grounds that the fifteen off-street parking spaces will exceed the requirements of the Zoning Regulations, should adequately serve the ten court squash facility at this location and should minimize potential adverse traffic and parking impact from occurring on surrounding neighborhood streets. The Board so finds. The MPO report also noted that ANC-6B supports the application (provided that fifteen parking spaces be provided), that the Capitol Hill Restoration Society takes no position on the application and that the applicant's revised plan provides that the squash facility will be made available during non-peak hours to nearby schools, such as Brent Elementary School.

21. The Department of Health, Physical Education, Athletics and Safety of the D.C. Public Schools, by letter dated September 27, 1978, endorsed the application, noting particularly the applicant's desire to involve public school students at the squash facility.

22. There were a great many letters and several petitions received into the record in support of the application.

23. There was much testimony from interested citizens, including many persons who live within a four block radius of the squash site, and others who are familiar with the game of squash, in support of the application.

24. The Capitol Hill Restoration Society took no position on this application.

25. By vote of 8 to 3, Advisory Neighborhood Commission 6-B, by letter dated August 15, 1978, and by the appearance of Commissioner James Campbell at the Board hearing, supported the application for a special exception and variance for the squash club at 214-216 D Street, S.E., provided that a total of fifteen off-street parking spaces were provided, and for a special exception to change the non-conforming use at 212-220 D Street to a parking garage on the ground floor only. ANC 6-B, by letter dated August 15, 1978, stated that it was the feeling of some ANC Commissioners that the use of the premises as a squash facility would be a great improvement over the existing use and would benefit the residents of the entire Capitol Hill Community.

26. There was much testimony from interested citizens, including persons who live within a four block radius of the site, and others, in opposition to the site. The primary basis for the majority of the opposition would be the increased parking and congestion that would be generated from a club of this type in a residential neighborhood.

27. A property owner within 200 feet of the club was in opposition because the entrance of the club is within seventy feet from the back of his property line and his house. Due to the close proximity of the entrance to house the amount of people arriving and leaving would generate a noise level that would adversely impact upon the tranquility of his home.

28. There was testimony received into the record from a developer of a proposed racketball and squash facility to be located at South Capitol and Eye Streets, S.E. The developer's primary opposition was based upon inadequate parking and the close proximity of the two clubs.

29. The Board finds that no conclusive evidence has been presented to demonstrate that the proposed use would increase traffic or parking problems in the area so as to have any measurable or adverse effect. The Board further finds that the traffic and parking problems which are of concern to many of the opponents are caused, at least in large part, by other uses, such as the U.S. Capitol, House of Representatives Office Buildings, the Library of Congress, and the nearby commercial area.

30. The Board finds that no noise or other objectionable conditions would emanate from the squash court building.

31. The Board finds that the warehouse building is well suited for use as a squash club with ten singles courts and related accessories, and that the building is not readily adaptable to residential use.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the evidence of record in this proceeding, the Board concludes that the change of non-conforming use for the two structures, from a moving and storage warehouse to a squash court facility and parking garage, respectively, should be granted because the non-conforming uses proposed by applicant are more restrictive than the existing use, because the new use will not be objectionable and because the non-conforming use would not affect adversely the present character or future development of the neighborhood. The Board concludes that the variance to allow the enlargement of a non-conforming structure with a non-conforming use at the premises at 214-216 D Street, S.E. should be granted because a strict application of the Zoning Regulations would impose practical difficulties upon the owner and because such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan. In so concluding, the Board has determined that the proposed use would be an improvement over the existing use, that the proposal will provide a significant recreational facility for many residents of the neighborhood and community, that the proposed improvements to the exterior of the building will make the buildings more compatible with the character of the Capitol Hill Historic District and more aesthetically attractive to nearby residents, that no noise or other adverse conditions will emanate from the proposed squash facility, that the fifteen parking spaces provided in the two buildings will more than adequately accommodate off-street parking needs, that there are no traffic or other impacts which will be to the detriment of nearby or other property owners, that the particular buildings involved are well-suited for their proposed uses and that the squash court building is not readily adaptable for residential uses. In so concluding, the Board has given consideration to the general character of uses and structures existing within not less than 300 feet of the non-conforming use, the design and other features of existing structures, the proposed signs, the amount of noise, traffic and other external effects which might reasonably be anticipated, safeguards designed to shield neighbors from adverse effects and the amount of parking provided.

The Board notes that no community organizations opposed the application and that Advisory Neighborhood Commission 6-B supported the application. The Board, being required by statute to give "great weight" to the issues and concerns of the ANC, concludes that it agrees with such issues and concerns of the ANC in granting this application. The Board concludes that the objections raised by persons in opposition are not sufficient to require that the application be denied for the reasons previously stated.

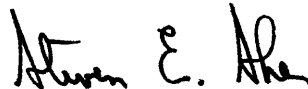
The Board further concludes that the use of the two buildings for the proposed uses will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property. Accordingly, it is hereby ORDERED that the application is HEREBY GRANTED subject to the CONDITION THAT:

The hours of operation of the squash facility shall be from 6:30 a.m. to 11:00 p.m. with the facility to be closed at 11 p.m.

VOTE: 4-0 (William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Ruby B. McZier to GRANT, Leonard L. McCants, not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 24 JAN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.